

**REMARKS**

This response restates the Amendment filed December 10, 2005 and corrects the deficiency indicated in the Notice of Non-compliant Amendment (mailed January 5, 2005) by stating the status of claims 1-40.

Claims 1-40 have been canceled and claims 41 – 73 are pending in this Application. Claim 67 has been amended. Applicants reserve the right to pursue the original claims and other claims in this and in other applications.

The specification has been amended to include the number (“U.S. Patent 6,753,801”) and date of the patent (“June 22, 2004”) from which the current application claims priority. No new matter has been added.

Claims 67 – 70 stand rejected under 35 U.S.C. 112, 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states that “Claim 67 is incomplete because each claim must end with a period.” Claim 67 has been amended to correct the obvious typographical error. As such, the rejection of claim 67 should be withdrawn.

Claims 68 – 70 are dependent from claim 67 and are allowable for at least the reason give above.


Claims 41 – 42 and 67 – 70 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 33 and 9 – 11 of U.S. Patent 6,753,801 (“’801”). The Office Action states that “[a]lthough the conflicting claims are not identical, they are not patentably distinct from each other because both set of claims recite similar limitations with colorable differences. “ The Applicant respectfully disagrees and suggests that the claims are patentably distinct. However, since the present application is a continuation of the ‘801 patent and there is a common assignee, i.e. Micron Technology, Inc., a terminal disclaimer was filed on December 10, 2004 (a copy of which

is attached) to expedite the prosecution and allowance of this case. Therefore, the rejection of claims 41 – 42 and 67 – 70 should be respectfully withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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